

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Case No. 07-cr-117-01-SM

Frank Emery

O R D E R

Defendant Emery's motion to continue the final pretrial conference and trial is granted (document 25). Trial has been rescheduled for the January 2008 trial period. Defendant Emery shall file a waiver of speedy trial rights not later than December 3, 2007. On the filing of such waiver, his continuance shall be effective. The court notes that this is the fifth motion to continue. Further continuances will require extraordinary justification.

The Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(8)(B)(iv), in that failure to grant a continuance would unreasonably deny defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence under the circumstances.

Final Pretrial Conference: December 18, 2007 at 2:00 p.m.

Jury Selection: January 8, 2008 at 9:30 a.m.

SO ORDERED.

/s/ Steven J. McAuliffe

Steven J. McAuliffe
Chief Judge

November 26, 2007

cc: Mark Sisti, Esq.
Helen Fitzgibbon, AUSA
US Probation
US Marshal